

Assembly Bill No. 302

CHAPTER 205

An act to add Chapter 10 (commencing with Section 108920) to Part 3 of Division 104 of the Health and Safety Code, relating to toxic substances.

[Approved by Governor August 9, 2003. Filed with Secretary of State August 11, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 302, Chan. Polybrominated diphenyl ether.

Existing law, the California Hazardous Substances Act, prohibits the manufacture, production, preparation, compounding, packing, selling, offering for sale, or keeping for sale within the State of California, of a package of a misbranded hazardous substance or banned hazardous substance.

This bill would prohibit, on and after January 1, 2008, a person from manufacturing, processing, or distributing in commerce a product, or a flame-retarded part of a product, containing more than 1/10 of 1% pentaBDE or octaBDE, by mass.

This bill would require that, on or before March 1, 2004, the Senate Office of Research submit to the President pro Tempore of the Senate and the Senate Environmental Quality Committee recommendations regarding the regulation of polybrominated diphenyl ether (PBDE), as specified.

The people of the State of California do enact as follows:

SECTION 1. Chapter 10 (commencing with Section 108920) is added to Part 3 of Division 104 of the Health and Safety Code, to read:

CHAPTER 10. POLYBROMINATED DIPHENYL ETHERS

108920. The Legislature finds and declares all of the following:

(a) Chemicals known as brominated flame retardants (BFRs) are widely used in California. To meet stringent fire standards, manufacturers add BFRs to a multitude of products, including plastic housing of electronics and computers, circuit boards, and the foam and textiles used in furniture.

(b) Polybrominated diphenyl ether (PBDE), which is a subcategory of BFRs, has increased fortyfold in human breast milk since the 1970s.

Women in California carry more PBDEs in their bodies than anyone else studied in the world.

(c) PBDE has the potential to disrupt thyroid hormone balance and contribute to a variety of developmental deficits, including low intelligence and learning disabilities. PBDE may also have the potential to cause cancer.

(d) Substantial efforts to eliminate BFRs from products have been made throughout the world, including private and public sectors. These efforts have made available numerous alternatives safe to human health while meeting stringent fire standards. To meet market demand, it is in the interest of California manufacturers to eliminate the use of BFRs.

(e) In order to protect the public health and the environment, the Legislature believes it is necessary for the state to develop a precautionary approach regarding the production, use, storage, and disposal of products containing brominated fire retardants.

108921. For purposes of this chapter, the following definitions apply:

(a) “OctaBDE” means octabrominated diphenyl ether.

(b) “PBDE” means polybrominated diphenyl ether.

(c) “PentaBDE” means pentabrominated diphenyl ether.

108922. (a) On and after January 1, 2008, a person may not manufacture, process, or distribute in commerce a product, or a flame-retarded part of a product, containing more than one-tenth of 1 percent of pentaBDE or octaBDE, by mass.

(b) The term “process,” as used in subdivision (a), does not include the processing of metallic recyclables containing pentaBDE or octaBDE that is conducted in compliance with all applicable federal, state, and local laws.

108923. On or before March 1, 2004, the Senate Office of Research shall submit to the President pro Tempore of the Senate and the Senate Environmental Quality Committee recommendations regarding the regulation of PBDE, including relevant findings and rulings by the European Union.

